

TO: Honorable Anthony J. Scirica, Chair
Standing Committee on Rules of Practice and Procedure

FROM: Honorable A. Thomas Small, Chair
Advisory Committee on Bankruptcy Rules

DATE: May 15, 2001

RE: Report of the Advisory Committee on Bankruptcy Rules

I. Introduction

The Advisory Committee on Bankruptcy Rules met on March 15-16, 2001, in New Orleans, Louisiana. The Advisory Committee considered public comments regarding proposed amendments to the Bankruptcy Rules that were published in August, 2000.

* * * * *

The Advisory Committee also approved a preliminary draft of proposed amendments to Bankruptcy Rules 1007, 2003, 2009, 2016, and 7007.1, and will present them to the Standing Committee at its June 2001 meeting with a request that they be published for comment. The Advisory Committee also approved a preliminary draft of proposed amendments to Official Forms 1 (Voluntary Petition), 5 (Involuntary Petition), and 17 (Notice of Appeal), and will present them to the Standing Committee at its June 2001 meeting with a request that they be published for comment.

B. Preliminary Draft of Proposed Amendments to Bankruptcy Rules 1007, 2003, 2009, and 2016, and new Proposed Bankruptcy Rule 7007.1, and Proposed Amendments to Official Forms 1, 5, and 17.

1. *Synopsis of Proposed Amendments:*

- (a) Rule 1007 is amended to add an obligation for corporate debtors to include information regarding their owners that also are corporations. The disclosure provides to the court, at the beginning of the case, some of the information necessary to make judicial disqualification decisions.
- (b) Rule 2003 is amended to reflect the enactment of a new subchapter V of chapter 7 of the Bankruptcy Code that makes multilateral clearing organizations eligible for bankruptcy relief.

- (c) Rule 2009 is amended to reflect the enactment of a new subchapter V of chapter 7 of the Bankruptcy Code that makes multilateral clearing organizations eligible for bankruptcy relief.
- (d) Rule 2016 is amended to implement amendments made to 11 U.S.C. § 110(h)(1).
- (e) Rule 7007.1 is added to require parties in adversary proceedings to disclose corporate entities that own 10% or more of the stock of the party to provide the court with some of the information necessary to make judicial disqualification decisions.
- (f) Official Form 1 is the form of a voluntary petition, and it is amended to add a checkbox for designating a clearing bank case filed under subchapter V of chapter 7 of the Bankruptcy Code.
- (g) Official Form 5 is the form of an involuntary petition, and it is amended to give notice to child support creditors and their representatives that no filing fee is required and the petitioner files the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, Pub. L. No. 103-394, 108 Stat. 4106 (Oct. 22, 1994).

- (h) Official Form 17 is the form of a Notice of Appeal, and it is amended to give notice to child support creditors and their representatives that no filing fee is required if the appellant files the statement specified by § 304 (g) of the Bankruptcy Reform Act of 1994, Pub. L. No. 103-394, 108 Stat. 416 (Oct. 22, 1994).
- 2. *Text of Proposed Amendments to Rules 1007, 2003, 2009, and 2016, and new Proposed Rule 7007.1, and Proposed Amendments to Official Forms 1, 15, and 17:*

**PROPOSED AMENDMENTS TO THE FEDERAL
RULES OF BANKRUPTCY PROCEDURE***

**Rule 1007. L I S T S , S C H E D U L E S , A N D
STATEMENTS; TIME LIMITS.**

1 (a) LIST OF CREDITORS AND EQUITY SECURITY
2 HOLDERS, AND CORPORATE OWNERSHIP
3 STATEMENT.

4 (1) *Voluntary Case.* In a voluntary case, the
5 debtor shall file with the petition a list containing the
6 name and address of each creditor unless the petition is
7 accompanied by a schedule of liabilities. If the debtor is
8 a corporation, other than a governmental unit, the debtor
9 shall file with the petition a corporate ownership
10 statement containing the information described in Rule
11 7007.1. The debtor shall file a supplemental statement

*New material is underlined; matter to be omitted is lined through.

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12 promptly upon any change in circumstances that renders the
13 corporate ownership statement inaccurate.

14 * * * * *

COMMITTEE NOTE

This rule is amended to require the debtor to file a corporate ownership statement setting out the information described in Rule 7007.1. Requiring debtors to file the statement provides the court with an opportunity to make judicial disqualification determinations at the outset of the case. This could reduce problems later in the case by preventing the initial assignment of the case to a judge who holds a financial interest in a parent company of the debtor or some other entity that holds a significant ownership interest in the debtor. Moreover, by including the disclosure statement filing requirement at the commencement of the case, the debtor does not have to make the same disclosure filing each time it is involved in an adversary proceeding throughout the case. The debtor also must file supplemental statements as changes in ownership might arise.

**Rule 2003. Meeting of Creditors or Equity Security
 Holders**

1 * * * * *

2 (b) ORDER OF MEETING.

3 (1) *Meeting of Creditors*. The United States trustee
4 shall preside at the meeting of creditors. The business
5 of the meeting shall include the examination of the
6 debtor under oath and, in a chapter 7 liquidation case,
7 may include the election ~~of a trustee or~~ of a creditors'
8 committee and, if the case is not under subchapter V of
9 chapter 7, the election of a trustee. The presiding officer
10 shall have the authority to administer oaths.

11 * * * * *

COMMITTEE NOTE

The rule is amended to reflect the enactment of subchapter V of chapter 7 of the Code governing multilateral clearing organization liquidations. Section 782 of the Code provides that the designation of a trustee or alternative trustee for the case is made by the Federal Reserve Board. Therefore, the meeting of creditors in those cases cannot include the election of a trustee.

Rule 2009. Trustees for Estates When Joint Administration Ordered

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1 (a) ELECTION OF SINGLE TRUSTEE FOR
2 ESTATES BEING JOINTLY ADMINISTERED. If the court
3 orders a joint administration of two or more estates ~~pursuant~~
4 to under Rule 1015(b), creditors may elect a single trustee for
5 the estates being jointly administered, unless the case is under
6 subchapter V of chapter 7 of the Code.

7 (b) RIGHT OF CREDITORS TO ELECT SEPARATE
8 TRUSTEE. Notwithstanding entry of an order for joint
9 administration ~~pursuant to~~ under Rule 1015(b), the creditors
10 of any debtor may elect a separate trustee for the estate of the
11 debtor as provided in § 702 of the Code, unless the case is
12 under subchapter V of chapter 7.

13 (c) APPOINTMENT OF TRUSTEES FOR ESTATES
14 BEING JOINTLY ADMINISTERED.

15 (1) *Chapter 7 Liquidation Cases.* Except in a case
16 governed by subchapter V of chapter 7, The United
17 States trustee may appoint one or more interim trustees
18 for estates being jointly administered in chapter 7 cases.

19 * * * * *

COMMITTEE NOTE

The rule is amended to reflect the enactment of subchapter V of chapter 7 of the Code governing multilateral clearing organization liquidations. Section 782 of the Code provides that the designation of a trustee or alternative trustee for the case is made by the Federal Reserve Board. Therefore, neither the United States trustee nor the creditors can appoint or elect a trustee in these cases.

Other amendments are stylistic.

**RULE 2016. COMPENSATION FOR SERVICES
RENDERED AND REIMBURSEMENT
OF EXPENSES.**

* * * * *

1

2

(c) DISCLOSURE OF COMPENSATION PAID OR

3

PROMISED TO BANKRUPTCY PETITION PREPARER.

4

Every bankruptcy petition preparer for a debtor shall file a

5

declaration under penalty of perjury and transmit the

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declaration to the United States trustee within 10 days after

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the date of the filing of the petition, or at another time as the

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court may direct, the statement required by § 110(h)(1). The

9

declaration must disclose any fee, and the source of any fee,

10

received from or on behalf of the debtor within 12 months of

11

the filing of the case and all unpaid fees charged to the debtor.

12

The declaration must describe the services performed and

13

documents prepared or caused to be prepared by the

14 bankruptcy petition preparer. A supplemental statement shall
15 be filed within 10 days after any payment or agreement not
16 previously disclosed.

COMMITTEE NOTE

This rule is amended by adding subdivision (c) to implement § 110(h)(1) of the Code.

**RULE 7007.1. CORPORATE OWNERSHIP
STATEMENT.**

1 (a) REQUIRED DISCLOSURE. Any corporation that
2 is a party to an adversary proceeding, other than the debtor or
3 a governmental unit, shall file two copies of a statement that
4 identifies any parent corporation and any publicly held
5 corporation that owns 10% or more of its equity interests or
6 states that there is no such corporation.

7 (b) TIME FOR FILING. A party shall file the statement
8 required under Rule 7007.1(a) with its first pleading in an

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9 adversary proceeding. A party shall file a supplemental
10 statement promptly upon any change in circumstances that
11 this rule requires the party to identify or disclose.

COMMITTEE NOTE

This rule is derived from Rule 26.1 of the Federal Rules of Appellate Procedure. The information that parties shall supply will support properly informed disqualification decisions in situations that call for automatic disqualification under Canon 3C(1)(c) of the Code of Conduct for United States Judges. This rule does not cover all of the circumstances that may call for disqualification under the subjective financial interest standard of Canon 3C, and does not deal at all with other circumstances that may call for disqualification. Nevertheless, the required disclosures are calculated to reach the majority of circumstances that are likely to call for disqualification under Canon 3C(1)(c).

The rule directs corporate parties other than the debtor and governmental units to list those corporations that hold significant ownership interests in them. This includes listing membership interests in limited liability companies and similar entities that fall under the definition of a corporation in Bankruptcy Code § 101.

Under subdivision (b), parties must file the statement with the first document that they file in any adversary proceeding. The rule also requires parties to file supplemental statements promptly

whenever changed circumstances require disclosure of new or additional information.

The rule does not prohibit the adoption of local rules requiring disclosures beyond those called for in Rule 7007.1.

FORM B1		United States Bankruptcy Court District of _____		Voluntary Petition									
Name of Debtor (if individual, enter Last, First, Middle):			Name of Joint Debtor (Spouse) (Last, First, Middle):										
All Other Names used by the Debtor in the last 6 years (include married, maiden, and trade names):			All Other Names used by the Joint Debtor in the last 6 years (include married, maiden, and trade names):										
Soc. Sec./Tax I.D. No. (if more than one, state all):			Soc. Sec./Tax I.D. No. (if more than one, state all):										
Street Address of Debtor (No. & Street, City, State & Zip Code):			Street Address of Joint Debtor (No. & Street, City, State & Zip Code):										
County of Residence or of the Principal Place of Business:			County of Residence or of the Principal Place of Business:										
Mailing Address of Debtor (if different from street address):			Mailing Address of Joint Debtor (if different from street address):										
Location of Principal Assets of Business Debtor (if different from street address above):													
Information Regarding the Debtor (Check the Applicable Boxes)													
Venue (Check any applicable box) <input type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. <input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.													
Type of Debtor (Check all boxes that apply) <input type="checkbox"/> Individual(s) <input type="checkbox"/> Railroad <input type="checkbox"/> Corporation <input type="checkbox"/> Stockbroker <input type="checkbox"/> Partnership <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Other _____ <input type="checkbox"/> Clearing Bank			Chapter or Section of Bankruptcy Code Under Which the Petition is Filed (Check one box) <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Sec. 304 - Case ancillary to foreign proceeding										
Nature of Debts (Check one box) <input type="checkbox"/> Consumer/Non-Business <input type="checkbox"/> Business			Filing Fee (Check one box) <input type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (Applicable to individuals only) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form No. 3.										
Chapter 11 Small Business (Check all boxes that apply) <input type="checkbox"/> Debtor is a small business as defined in 11 U.S.C. § 101 <input type="checkbox"/> Debtor is and elects to be considered a small business under 11 U.S.C. § 1121(e) (Optional)													
Statistical/Administrative Information (Estimates only) <input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.					THIS SPACE IS FOR COURT USE ONLY								
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: left;">Estimated Number of Creditors</td> <td style="text-align: center;">1-15 <input type="checkbox"/></td> <td style="text-align: center;">16-49 <input type="checkbox"/></td> <td style="text-align: center;">50-99 <input type="checkbox"/></td> <td style="text-align: center;">100-199 <input type="checkbox"/></td> <td style="text-align: center;">200-999 <input type="checkbox"/></td> <td style="text-align: center;">1000-over <input type="checkbox"/></td> </tr> </table>						Estimated Number of Creditors	1-15 <input type="checkbox"/>	16-49 <input type="checkbox"/>	50-99 <input type="checkbox"/>	100-199 <input type="checkbox"/>	200-999 <input type="checkbox"/>	1000-over <input type="checkbox"/>	
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<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: left;">Estimated Assets</td> <td style="text-align: center;">\$0 to \$50,000 <input type="checkbox"/></td> <td style="text-align: center;">\$50,001 to \$100,000 <input type="checkbox"/></td> <td style="text-align: center;">\$100,001 to \$500,000 <input type="checkbox"/></td> <td style="text-align: center;">\$500,001 to \$1 million <input type="checkbox"/></td> <td style="text-align: center;">\$1,000,001 to \$10 million <input type="checkbox"/></td> <td style="text-align: center;">\$10,000,001 to \$50 million <input type="checkbox"/></td> <td style="text-align: center;">\$50,000,001 to \$100 million <input type="checkbox"/></td> <td style="text-align: center;">More than \$100 million <input type="checkbox"/></td> </tr> </table>						Estimated Assets	\$0 to \$50,000 <input type="checkbox"/>	\$50,001 to \$100,000 <input type="checkbox"/>	\$100,001 to \$500,000 <input type="checkbox"/>	\$500,001 to \$1 million <input type="checkbox"/>	\$1,000,001 to \$10 million <input type="checkbox"/>	\$10,000,001 to \$50 million <input type="checkbox"/>	\$50,000,001 to \$100 million <input type="checkbox"/>
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Voluntary Petition*(This page must be completed and filed in every case)*

Name of Debtor(s):

Prior Bankruptcy Case Filed Within Last 6 Years (If more than one, attach additional sheet)Location
Where Filed:

Case Number:

Date Filed:

Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (If more than one, attach additional sheet)

Name of Debtor:

Case Number:

Date Filed:

District:

Relationship:

Judge:

Signatures**Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X

Signature of Debtor

X

Signature of Joint Debtor_____
Telephone Number (If not represented by attorney)_____
Date**Signature of Attorney**

X

Signature of Attorney for Debtor(s)_____
Printed Name of Attorney for Debtor(s)_____
Firm Name_____
Address_____
Telephone Number_____
Date**Signature of Debtor (Corporation/Partnership)**

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X

Signature of Authorized Individual_____
Printed Name of Authorized Individual_____
Title of Authorized Individual_____
Date**Exhibit A**

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11)

☐ Exhibit A is attached and made a part of this petition.**Exhibit B**

(To be completed if debtor is an individual whose debts are primarily consumer debts)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter.

X

Signature of Attorney for Debtor(s)_____
Date**Exhibit C**

Does the debtor own or have possession of any property that poses a threat of imminent and identifiable harm to public health or safety?

☐ Yes, and Exhibit C is attached and made a part of this petition.
☐ No**Signature of Non-Attorney Petition Preparer**

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

Printed Name of Bankruptcy Petition Preparer_____
Social Security Number_____
Address

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

X

Signature of Bankruptcy Petition Preparer_____
Date

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. § 110; 18 U.S.C. § 156.

COMMITTEE NOTE

Form 1 has been amended to provide a checkbox for designating a clearing bank case filed under subchapter V of chapter 7 of the Code enacted by § 112 of Pub. L. No. 106-554 (December 21, 2000).

FEDERAL RULES OF BANKRUPTCY PROCEDURE	13
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United States Bankruptcy Court District of _____		INVOLUNTARY PETITION
IN RE (Name of Debtor - If Individual: Last, First, Middle)	ALL OTHER NAMES used by debtor in the last 6 years (Include married, maiden, and trade names.)	
SOC. SEC./TAX I.D. NO. (If more than one, state all.)		
STREET ADDRESS OF DEBTOR (No. and street, city, state, and zip code)	MAILING ADDRESS OF DEBTOR (If different from street address)	
<div style="border: 1px solid black; width: 150px; height: 30px; margin-left: auto; margin-right: auto;"> COUNTY OF RESIDENCE OR PRINCIPAL PLACE OF BUSINESS </div>		
LOCATION OF PRINCIPAL ASSETS OF BUSINESS DEBTOR (If different from previously listed addresses)		
CHAPTER OF BANKRUPTCY CODE UNDER WHICH PETITION IS FILED <div style="display: flex; justify-content: space-around;"> <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 11 </div>		
<p style="text-align: center;">INFORMATION REGARDING DEBTOR (Check applicable boxes)</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>Petitioners believe:</p> <input type="checkbox"/> Debts are primarily consumer debts <input type="checkbox"/> Debts are primarily business debts (complete sections A and B) <p>A. TYPE OF BUSINESS (Check one)</p> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"><input type="checkbox"/> Professional</div> <div style="width: 33%;"><input type="checkbox"/> Transportation</div> <div style="width: 33%;"><input type="checkbox"/> Commodity Broker</div> <div style="width: 33%;"><input type="checkbox"/> Retail/Wholesale</div> <div style="width: 33%;"><input type="checkbox"/> Manufacturing/</div> <div style="width: 33%;"><input type="checkbox"/> Construction</div> <div style="width: 33%;"><input type="checkbox"/> Railroad</div> <div style="width: 33%;"><input type="checkbox"/> Mining</div> <div style="width: 33%;"><input type="checkbox"/> Real Estate</div> <div style="width: 33%;"><input type="checkbox"/> Stockbroker</div> <div style="width: 33%;"><input type="checkbox"/> Other</div> </div> </div> <div style="width: 45%;"> <p>TYPE OF DEBTOR</p> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Individual <input type="checkbox"/> Corporation Publicly Held </div> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation Not Publicly Held </div> <input type="checkbox"/> Other: _____ </div> </div> <p>B. BRIEFLY DESCRIBE NATURE OF BUSINESS</p>		
VENUE		
<input type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in the District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.		
<input type="checkbox"/> A bankruptcy case concerning debtor's affiliate, general partner or partnership is pending in this District.		
PENDING BANKRUPTCY CASE FILED BY OR AGAINST ANY PARTNER OR AFFILIATE OF THIS DEBTOR (Report information for any additional cases on attached sheets.)		
Name of Debtor	Case Number	Date
Relationship	District	Judge
<p style="text-align: center;">ALLEGATIONS (Check applicable boxes)</p> <p>1. <input type="checkbox"/> Petitioner(s) are eligible to file this petition pursuant to 11 U.S.C. § 303(b).</p> <p>2. <input type="checkbox"/> The debtor is a person against whom an order for relief may be entered under title 11 of the United States Code.</p> <p>3.a. <input type="checkbox"/> The debtor is generally not paying such debtor's debts as they become due, unless such debts are the subject of a bona fide dispute;</p> <p style="text-align: center;">or</p> <p>b. <input type="checkbox"/> Within 120 days preceding the filing of this petition, a custodian, other than a trustee, receiver, or agent appointed or authorized to take charge of less than substantially all of the property of the debtor for the purpose of enforcing a lien against such property, was appointed or took possession.</p>		COURT USE ONLY

If a child support creditor or its representative is a petitioner, and if the petitioner files the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

TRANSFER OF CLAIM

☐ Check this box if there has been a transfer of any claim against the debtor by or to any petitioner. Attach all documents evidencing the transfer and any statements that are required under Bankruptcy Rule 1003(a).

REQUEST FOR RELIEF

Petitioner(s) request that an order for relief be entered against the debtor under the chapter of title 11, United States Code, specified in this petition.

Petitioner(s) declare under penalty of perjury that the foregoing is true and correct according to the best of their knowledge, information, and belief.

X
Signature of Petitioner or Representative (State title)

Name of Petitioner Date Signed

Name & Mailing
Address of Individual _____
Signing in Representative
Capacity _____

X
Signature of Attorney Date

Name of Attorney Firm (If any)

Address

Telephone No.

X
Signature of Petitioner or Representative (State title)

Name of Petitioner Date Signed

Name & Mailing
Address of Individual _____
Signing in Representative
Capacity _____

X
Signature of Attorney Date

Name of Attorney Firm (If any)

Address

Telephone No.

X
Signature of Petitioner or Representative (State title)

Name of Petitioner Date Signed

Name & Mailing
Address of Individual _____
Signing in Representative
Capacity _____

X
Signature of Attorney Date

Name of Attorney Firm (If any)

Address

Telephone No.

PETITIONING CREDITORS

Name and Address of Petitioner	Nature of Claim	Amount of Claim
Name and Address of Petitioner	Nature of Claim	Amount of Claim
Name and Address of Petitioner	Nature of Claim	Amount of Claim
Note: If there are more than three petitioners, attach additional sheets with the statement under penalty of perjury, each petitioner's signature under the statement and the name of attorney and petitioning creditor information in the format above.		Total Amount of Petitioners' Claims

COMMITTEE NOTE

Form 5 is amended to give notice that no filing fee is required if a child support creditor or its representative is a petitioner, and if the petitioner also files a form detailing the child support debt, its status, and other characteristics, as specified in § 304(g) of the Bankruptcy Reform Act of 1994, Pub. L. No. 103-394, 108 Stat. 4106 (Oct.22, 1994).

United States Bankruptcy Court

_____ District Of _____

In re _____,
Debtor

Case No. _____

Chapter _____

[Caption as in Form 16A, 16B, 16C, or 16D, as appropriate]

NOTICE OF APPEAL

_____, the plaintiff *[or defendant or other party]* appeals under 28 U.S.C. § 158(a) or (b) from the judgment, order, or decree of the bankruptcy judge (describe) entered in this adversary proceeding *[or other proceeding, describe type]* on the _____ day of _____, _____.
(month) (year)

The names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their respective attorneys are as follows:

Dated: _____

Signed: _____
Attorney for Appellant (or Appellant, if not represented by
an Attorney)

Attorney Name: _____

Address: _____

Telephone No: _____

If a Bankruptcy Appellate Panel Service is authorized to hear this appeal, each party has a right to have the appeal heard by the district court. The appellant may exercise this right only by filing a separate statement of election at the time of the filing of this notice of appeal. Any other party may elect, within the time provided in 28 U.S.C. § 158(c), to have the appeal heard by the district court.

If a child support creditor or its representative is the appellant, and if the child support creditor or its representative files the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

COMMITTEE NOTE

Form 17 is amended to give notice that no filing fee is required if a child support creditor or its representative is the appellant, and if the child support creditor or its representative files a form detailing the child support debt, its status, and other characteristics, as specified in § 304(g) of the Bankruptcy Reform Act of 1994, Pub. L. No. 103-396, 108 Stat. 4106 (Oct. 22, 1994).